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APPLICATION NO	Э.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/612,394 07/03/2003		Hironori Endo	Q76423	3189	
23373	7590	06/14/2006		EXAMINER	
SUGHRU		•	HUFFMAN, JULIAN D		
SUITE 80		NIA AVENUE, N.W.		ART UNIT	PAPER NUMBER
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DATE MAILED: 06/14/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION. Entermisor of time may be available under the proteines of 30° RT 1386, in no event, mover, may a reply be timely find. If NO period for reply is specified above, the maximum statulary period vill apply and will expire 30° (8) MONTH'S from the mailing date of this communication. Feature to reply within the sof or extended period for signy bit, by statute, some the application become abbindoors (50° 130° 12.5° 130°). Feature to reply provided the soft of the control of the mailing date of this communication, even if timely filed, may reduce any season form signature. See 30° CFR 1736(1). Status Status Status Status Claim (s) 1.3.5 -15 and 17-19 is/are pending in the application. 4) Claim (s) 1.3.5 -15 and 17-19 is/are pending in the application. 4) Claim (s) 1.3.5 -15 and 17-19 is/are pending in the application. 4) Claim (s) 1.3.1 -15 and 18 is/are allowed. Claim (s) 1.3.1 -15 and 18 is/are allowed. Claim (s) 1.3.1 -15 and 19 is/are rejected. This claim (s) 1.3.1 -15 and 19 is/are rejected. This claim (s) 1.3.5 -15 and 19 is/are rejected. The period of the above claim (s) 19 is/are rejected. The period of the above claim (s) 19 is/are rejected. The period of the above claim (s) 19 is/are rejected. The period of the above claim (s) 19 is/are rejected. The period of the above claim (s) 19 is/are rejected. The period of the above claim (s) 19 is/are allowed. Application Papers 9) The specification is objected to by the Examiner. 10) The drawing (s) filed on 04 February 2004 is/are: a) accepted or b) objected to by the Examiner. Application Papers 11) The oath or declaration is objected to by the Examiner. 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119 (a)-(d) or (f). a) All b) Some *c) Nove of the priority documents have been received in Application No. 2 Certified copies of the priority documents h		Application No.	Applicant(s)					
Julian D, Huffman Julian D, Huffman D, Huffm	Office Action Summer		ENDO, HIRONORI					
- The MALING DATE of this communication appears on the cover sheet with the correspondence address — Period for Reply A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE ③ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION. Estambling of time may be available under the provision of 37 FR11-18(b). In so overs, Investor, may a reply be timely field If NO period for reply is specified above, the resummen studency prioritist will apply and will expire SIX (5) MONTHS from the malling date of this communication. Feature for provision the set of second period for signy till, by statuke, cause the application become ABNINDORE) (51 SLS. 1, 133). Party reply received by the Office liter than the most state the mailing date of this communication, even if timely filled, may reduce any seasons part than algorithms. Set 37 CR 1,740(3) Status 1) □ Responsive to communication(s) filled on 15 March 2006. 2a This action is FINAL. 2b This action is non-final. 3) □ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213. Disposition of Claims 4) □ Claim(s) 1,3,5-15 and 17-19 is/are pending in the application. 4a) Of the above claim(s) is/are withdrawn from consideration. 5 □ Claim(s) 1,3,1-15 and 18 is/are allowed. 5 □ Claim(s) 1,3,1-15 and 19 is/are rejected. 7 □ Claim(s) is/ara displaced to by the Examiner. 6 □ Claim(s) 1,3,1-15 and 19 is/are rejected. 7 □ Claim(s) is/ara displaced to by the Examiner. 8 □ The specification is objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.121(d). 11 □ The drawing(s) filed on 04 February 2004 is/are: a □ accepted or b) □ objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.121(d). 11 □ Acknowledgment is made of a claim for foreign p	Office Action Summary	Examiner	Art Unit					
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1)	 WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION. Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication. If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication. Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any 							
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DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 15 March 2006 has been entered.

Specification

2. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o) and 112 first paragraph rejection below..

Claim Rejections - 35 USC § 112

- **3.** The following is a quotation of the first paragraph of 35 U.S.C. 112:
 - The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.
- 4. Claims 1, 3, 14, 15 and 19 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

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The original disclosure does not describe a device which decreases the number of nozzles from which liquid is ejected such that the amount is never equal to zero (see page 41, line 26 and parts thereafter which describe when an ink ejection/printing operation is finished, specifically page 42, lines 16-19).

- The following is a quotation of the second paragraph of 35 U.S.C. 112:
 The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
- 6. Claims 1, 3, 14, 15 and 19 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Applicant's claim language "wherein N is always greater than 0 and wherein N is decreased in accordance with an increase in a total feed amount of the medium..." is not clear since it requires the printer to always eject ink from at least one nozzle and therefore to operate indefinitely.

Applicant's remarks in the response filed 17 January 2006 further support the above, by stating that Otsuki disables all nozzles when printing is complete, while applicant's claimed invention never disables all nozzles.

Response to Arguments

7. Applicant's arguments filed 17 January 2006 have been fully considered but they are not persuasive due to the 112 rejections outlined above.

Allowable Subject Matter

8. Claims 5-13, 17 and 18 are allowed.

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Conclusion

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Julian D. Huffman whose telephone number is (571) 272-2147. The examiner can normally be reached on 10:00a.m.-6:30p.m. Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen Meier can be reached on (571) 272-2149. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Julian D. Huffman 7 June 2006

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